

In the High Court of Judicature, Bombay.

Thursday, the 24 day of Nov^r. 1864

SPECIAL APPEAL No. 723 or 1864.

Jotee bin Balaji Sukhoday of the
Satara District

Appellant,

(Original Plaintiff)

versus

Huri and Munia bin Ranji Savant
of whom the latter is deceased his son
and heir Narroo minor by his guardian
and paternal uncle Huri bin Ranji
Savut of the Satara District

Respondents

(Original Defendants)

Rs. 37-8-3

The claim in the Original Suit was to recover possession
of certain miras lands

In Appeal No. 457 of 1863 the
of the District of Satara at Satara
the Decree of the Court who had decreed for Plaintiff

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the acting District Judge is contrary to
law in that the Miras land Nos 58 to 65 being
registered

registered in the miras Zada (descriptive roll)
in the Government records in the name of the
Appellants' ancestors and the (name of the) Res-
-pondents being registered in 1852 as managers
"Nisbat" (under, or on the part of) the ap-
-pellants the claim ought not to have been
thrown out on the ground of possession that (2)
a substantial error in law has occurred in the
investigation of the case which has produced error
in the decision of the case upon its merits in that
as the management shown to be held by the Res-
-pondents is within ten years and it has been on
behalf of the appellants the appellate court
ought not to have annulled the moonsiff's decree
without deciding the property under dispute
to belong to Respondents and as to how they
acquired the proprietorship that (3) if the
appellate court thought it necessary to
reverse the Moonsiff's decree it ought to have
remanded the suit for the fresh evidence offered
to be produced being received but the Appellate
Court did not do so and that (4) as the proprietor
of Gutkoolie land has right to recover it at
any

any time under the terms on which it was given
to the Respondents for management by the Col-
lector the appellate Court ought not to have
thrown out the claim without deciding as to
who was the proprietor of the land in question
Vide No 3505.

The Court confirm the Decree
of the J. with costs in Appl. App't

A. M. Forbes

A. M. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 723.

of 186 4 against the decision of the Actg Judge - of the District of Satara and disposed of on the 24 Nov^r 1864 by Confirming the same with costs.

BY THE APPELLANT—

In the District.

In the Moonceff's Court 11 55 ✓
 In the Actg Judge's Court 2 2 " ✓

In this Court.

Stamp for Memorandum of Special Appeal 4 " ✓
 Stamps for copies of Decree and Judgment 1 8 " ✓
 Stamp for Vukeelutnama 2 " ✓
 Batta for Process and Postage " 10 " ✓
 Sectioner's Fee 1 7 5 ✓
 Vukeel's Fee 1 2 " ✓

13 75 ✓

10 11 5 ✓

Rupees.... 24 2 10 ✓

BY THE RESPONDENT'S

In the District.

In the Moonceff's Court 12 14 2 ✓
 In the Actg Judge's Court 7 3 3 ✓

In this Court.

Stamp for Vukeelutnama 2 " ✓
 Vukeel's Fee 1 2 " ✓

20 15 5 ✓

3 2 " ✓

Rupees.... 23 3 5 ✓



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 For seals

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 The District Judge

The 24th day of November 1864